REMARKS

Claims 44-77 are pending in the instant application. These claims have been subjected to Restriction as follows:

Group I, claims 44-62, drawn to a method of screening for a compound that regulates an activity of a cell surface protein; and

Group II, claims 63-77, drawn to a method for regulating insertion or retention of a protein in a cell surface membrane.

The Examiner suggests that Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical feature. In particular, the Examiner suggests that the shared technical feature of the groups is not a "special technical feature" because of teachings of Davis et al. and therefore unity of invention between the groups does not exist.

These Groups are further subjected to election of one of the following:

(A) SEQ ID NO:11 encoded by SEQ ID NO:7 drawn to TPM 1;

(B) SEQ ID NO:12 encoded by SEQ ID NO:8 drawn to TPM 3;

(C) TM5a; and

(D) TM5b.

The Examiner suggests that TPM 1, TPM 3, TM5a and TM5b are independent or distinct because they represent structurally

different proteins with different effects, for example in hybridization and expression and therefore lack unity of invention under PCT Rule 13.2.

Applicants respectfully traverse this Restriction Requirement.

At the outset, Applicants respectfully disagree with the Examiner's characterization of teachings of Davis et al. Contrary to the Examiner's suggestion, Davis et al. does not describe a method of analyzing expression of tropomyosin containing 3'UTR, wherein translation of these sequences results in activation of PKR kinase activity. Instead, upon reading Davis et al., the skilled artisan would understand that the 3'UTR RNA used in the experiments by Davis et al. is an untranslated region of the RNA molecule and thus, by definition, is not translated into tropomyosin protein. Thus, Davis et al. does not disclose methods which involve analysis of the activity or cellular location of expressed tropomyosin proteins. Instead, data of Davis et al. merely show that untranslated (3'UTR) RNA activated PKR in an in vitro kinase assay, a result which is irrelevant to the instant claimed invention.

Thus, the basis for the Examiner's suggestion that Groups I-II do not relate to single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical feature, is based upon an incorrect

characterization of the teachings of Davis et al. Reconsideration and withdrawal of this Restriction Requirement is therefore respectfully requested.

Further, Applicants respectfully disagree with the Examiner's suggestion that TPM 1, TPM 3, TM5a and TM5b are structurally different proteins. As shown in box A of Figure 1 of the instant application, SEQ ID NO:11 (exon 1b of the TPM 1 gene) is shared by TM5a and TM5b. Further SEQ ID NO:11 (exon 1b of the TPM 1 gene) shares a very high homology with SEQ ID NO:12 (exon 1b of the TPM 3 gene). Comparison of these sequences by BLAST 2 shows 62% homology between SEQ ID NO:11 and SEQ ID NO:12. Further, this homology increases to 83% when conservative substitutions are taken into account. Thus, contrary to the Examiner's suggestion, substantial structural identity does exist between proteins of Group (A) through (D) thereby constituting unity of invention under PCT Rule 13.2.

Thus, reconsideration and withdrawal of this Restriction Requirement is also respectfully requested.

In an earnest effort to be completely responsive, however, Applicants elect Group I, claims 44-62 and SEQ ID NO:11 encoded by SEQ ID NO:7 drawn to TPM 1, with traverse.

Applicants believe this reply to be completely responsive to

the Office Action of record.

Respectfully submitted,

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